

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED PROBATION OFFICERS :	
ASSOCIATION, individually and on behalf of its :	
members, JEAN BROWN, TANGA JOHNSON, :	<b>ORDER OF PRODUCTION OF</b>
TARA SMITH, EMMA STOVALL, and CATHY :	<b>ELECTRONICALLY STORED</b>
WASHINGTON, on behalf of themselves and all :	<b>INFORMATION</b>
other similarly-situated individuals, :	
Plaintiffs, :	
-against- :	Case No. 21-cv-218
CITY OF NEW YORK and NEW YORK CITY :	
DEPARTMENT OF PROBATION, :	
Defendants. :	
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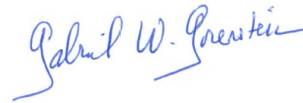
Pursuant to Federal Rule of Civil Procedure 34(a)(1), the parties agree that Electronically Stored Information (“ESI”) will be produced as follows:

1. Documents created or stored electronically shall be produced pursuant to the protocols agreed to between parties and attached and incorporated hereto as **Schedule A**.
2. Documents originating in spreadsheet such as Excel or any document that cannot be converted to TIF will be produced in native form. For deliverables containing native files, a native file path/link will be included in the metadata load file. Additionally, a Bates-stamped TIF placeholder will be included in the production and reflected in the image load file. The number of native files per folder will be limited to 1,000 files.
3. For deliverables containing multi-media files, the following production format will be used:
  - a. Audio Data Files: Audio data files will be produced in their native format.

- b. Video Files: Video files will be produced in their native format.
  - c. Image Files: If providing color images, files will be produced in “JPEG/JPG” format with a resolution of 150 to 300 DPI.
- 4. If a document is withheld for privilege each page of the document will be marked as a placeholder by assigning a sequential Bates number and notating it as privileged. A log of these privileged documents will also produced separately.
  - 5. All unredacted documents will be provided with complete document-level extracted text files. If a document contains text which is to be redacted, OCR text files will be provided for any un-redacted portions of the documents. Document-level OCR text files will be provided for any unredacted portions of redacted documents, and for all hard copy scanned documents. The extracted full text and/or OCR text for all deliverables will be in separate document-level TXT files. All associated text files shall be provided in a single directory and named after the starting Bates number of the document. There will be one text file per document. The number of TXT files per folder will be limited to 1,000 files.
  - 6. For email collections, the parent-child relationships (the association between emails and attachments) will be preserved. Email attachments will be consecutively produced with the parent email record.
  - 7. All images will be provided in single-page, Group IV TIF with a resolution of 300 DPI. Bates numbers and confidentiality designations will be electronically branded on each produced \*.tif image. These .TIF images will be provided in a separate folder and the number of TIF files per folder will be limited to 1,000 files.

Dated: New York, New York  
January 17, 2024

SO ORDERED.

A handwritten signature in blue ink, reading "Gabriel W. Gorenstein". The signature is written in a cursive, flowing style.

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Gabriel W. Gorenstein  
United States Magistrate Judge

## **SCHEDULE A**

1. COVER LETTER A cover letter shall be included with each production and shall include information sufficient to identify all accompanying media (hard drive, thumb drive, DVD, CD, secure FTP), shall identify each production on such media by assigning a Production Volume name or number, and shall include the Bates range for the Documents produced in each volume.

2. PRODUCTION LOAD FILES There will be two Load/Unitization files accompanying all Productions of ESI. The first will be a Metadata import file, in Concordance-format delimited file with a .DAT file extension, that contains the agreed upon Metadata fields in UTF-8 encoding.

- The second will be a cross-reference file that contains the corresponding image information identifying document breaks. The acceptable formats for the crossreference files are .log and .opt.

- Image Load Files

1. The name of the image load file shall mirror the name of the delivery volume, and shall have the appropriate extension (e.g., ABC001.OPT).

2. The volume names shall be consecutive (e.g., ABC001, ABC002, et seq.).

3. There shall be one row in the load file for every TIFF/jpeg image in the Production.

4. Every image in the delivery volume shall be cross-referenced in the image load file.

5. The imageID key shall be named the same as the Bates Number of the page.

6. Load files shall not span across media (e.g., CDs, DVDs, hard drives, etc.), i.e., a separate volume shall be created for each piece of media delivered.

7. Files that are the first page of a logical Document shall include a "Y" where appropriate. Subsequent pages of all Documents (regular Document, Email, or attachment) shall include a blank in the appropriate position.

- Concordance Data Load Files:

1. Data load files shall be produced in Concordance .DAT format.

2. The data load file shall use standard Concordance delimiters:

3. Comma - ¶ (ASCII 20)

4. Quote - ¢ (ASCII 254);

5. Newline - ® (ASCII174).

6. The first line of the .DAT file shall contain the field names arranged in the same order as the data is arranged in subsequent lines.

7. All date fields shall be produced in mm/dd/yyyy hh:mm:ss format.

8. All attachments shall sequentially follow the parent document/email.

9. Use carriage-return to indicate the start of the next record.

10. Load files shall not span across media (e.g., CDs, DVDs, hard drives, etc.); a separate volume shall be created for each piece of media delivered.

11. The name of the data load file shall mirror the name of the delivery volume, and shall have a .DAT extension (e.g., ABC001.DAT).

12. The volume names shall be consecutive (e.g., ABC001, ABC002, et seq.). 13. If foreign language / Unicode text exists, the .DAT file shall be in UTF-8 or UTF-16 format where appropriate, consistent with this ESI Protocol.

#### OCR/Extracted Text Files

1. OCR or Extracted Text files shall be provided in a separate \TEXT\ directory containing Document level text files.

2. If Foreign Language/Unicode text exists, TEXT files shall be in appropriate UTF-8 or UTF-16 format

#### 3. IMAGES

Produce Documents in Single Page Group IV TIFF black and white files. If document needs color to understand its contents or if it is a photograph please produce in color jpeg.

Image Resolution of 300 DPI. Paper size shall be 8.5 x 11 inches unless in the reasonable judgment of the Producing Party, a particular item requires a different page size.

If a Receiving Party reasonably deems the quality of the Document produced in TIFF format to be insufficient, the Parties will meet and confer in good faith to determine whether the Producing Party must produce the Document in Native Format, or as a JPEG file, and whether such Document must be produced as a color image.

If a Receiving Party reasonably believes that a Document originally produced in black and white needs to be produced in color, it shall notify the Producing Party. The Parties agree to meet and confer in good faith concerning the re-production of such Document(s) in color either as a JPEG file or in Native Format.

File Naming Convention: Match Bates Number of the page

Original Document orientation or corrected orientation shall be retained

#### 4. ESI (AND PAPER TO THE EXTENT APPLICABLE) PRODUCTION METADATA FIELDS

<b>ProdBegBates</b>
<b>ProdEndBates</b>
<b>ProdBegAttach</b>
<b>ProdEndAttach</b>
<b>Filename</b>
<b>Filesize</b>
<b>DocExt</b>
<b>RecordType</b>

<b>To</b>
<b>From</b>
<b>BCC</b>
<b>CC</b>
<b>Subject</b>
<b>Title</b>
<b>DateTime Created</b>
<b>DateTime Received</b>
<b>DateTime Sent</b>
<b>Custodian</b>
<b>AllCustodian</b>
<b>EDSource</b>
<b>All File Path</b>
<b>MD5 Hash</b>
<b>TEXTPATH</b>
<b>NATIVEPATH</b>
<b>Sensitivity</b>
<b>Confidential Designation</b>
<b>Redaction</b>

5. Any file that is specifically requested in native format or that cannot be converted to .TIF should be produced in its original native format with a link to the native file included in the Native Link field within the .DAT file. A Bates-stamped, single-page .TIF placeholder indicating that the file was produced natively should be included as the corresponding image for the file that cannot be converted. The native file should be renamed to reflect the Bates number assigned to the corresponding .TIF placeholder. Some examples of files that should be provided in their native format are spreadsheets, multimedia files, and technical drawings.

#### 7. Document De-Duplication

A producing party should, prior to review and production, globally de-duplicate its email population using hash values (such as MD5 or SHA-1) as long as the All Custodians field is provided. Loose files may also be globally de-duplicated using hash values (such as MD5 or SHA-1) as long as the All File Paths field is provided.

#### 8. Confidential Documents

Unless the parties agree otherwise, confidential documents must be produced in the following manner:

- (i) Stamping, branding, or otherwise clearly marking documents with the appropriate confidentiality designation in a manner that will not interfere with legibility or, if applicable, audibility;
- (ii) Including the appropriate confidentiality designation in the Designation field in the .DAT load file.